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**Introduced by Committee on Veterans Affairs (Senators Hueso  
(Chair), Block, Correa, Knight, Lieu, Nielsen, and Roth)**

February 6, 2014

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An act to amend Section 142 of the Military and Veterans Code, relating to the state militia.

LEGISLATIVE COUNSEL'S DIGEST

SB 948, as introduced, Committee on Veterans Affairs. Active militia.

Existing law identifies the Governor as the Commander in Chief of the Militia of the State. The authority of the Governor in this regard includes ordering the active militia or any portion of it to perform military duty of every description, as specified. Existing law designates the necessary qualifications for a service member on state active duty.

This bill would recast and revise the above-referenced qualifications for state active duty service members, to include retired or separated members of the federal reserve component of any branch of the United States Armed Forces or the federally recognized National Guard of any state or United States territory, with current membership in the State Military Reserve.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 142 of the Military and Veterans Code
- 2 is amended to read:
- 3 142. (a) The Governor may order the active militia or any
- 4 portion of it to perform military duty of every description, including
- 5 necessary administrative duties, and to participate in small arms

gunnery competitions in this state or in any other state or territory or the District of Columbia, or in any fort, camp, or reservation of the United States. He or she may also authorize the performance of military duty or participation in small arms or gunnery competitions by any part of the active militia anywhere ~~without~~ *outside* the state or ~~without~~ *outside* the United States. Cruise duty ordered for the Naval Militia may be required to be performed on United States vessels.

(b) Service members selected for permanent positions shall be selected using a military competitive selection process. A service member ordered to state active duty in accordance with this section who remains on state active duty for six consecutive years shall be eligible for career state active duty status and may remain on state active duty until the service member reaches 60 years of age or is separated for cause. At 60 years of age, a service member may remain on state active duty under temporary orders, which may be renewed annually.

(c) Orders for a service member with less than six years of state active duty service shall expire annually unless renewed or the service member is separated for cause.

(d) When a service member reaches 64 years of age, or when federal recognition of his or her grade or rank is withdrawn, whichever occurs later, the service member shall be retired from state active duty.

(e) A service member on state active duty with the Military Department pursuant to this section shall be ~~a current member of the California National Guard, retired or otherwise honorably separated from federal active military or California National Guard service with current membership in the State Military Reserve, or be a current member of the State Military Reserve with a minimum of two years of service. Service members on state active duty who retire federally from the California National Guard shall be automatically assessed into the State Military Reserve. any of the~~ following:

(1) *A current member of the California National Guard.*

(2) *An individual who is retired or otherwise honorably separated from service with the active component of any branch of the United States Armed Forces, the federal reserve component of any branch of the United States Armed Forces, or the federally*

1 *recognized National Guard of any state or United States territory,*  
2 *with current membership in the State Military Reserve.*

3 (3) *A current member of the State Military Reserve with a*  
4 *minimum of two years of service. Service members on state active*  
5 *duty who retire federally from the California National Guard shall*  
6 *be automatically assessed into the State Military Reserve.*

7 (f) A commissioned officer on state active duty assigned to a  
8 general officer position who, previous to that duty, held a state  
9 active duty position at a lower grade, may revert to the grade last  
10 held upon vacation of the general officer position, if a position is  
11 available.

12 (g) Notwithstanding any other law, a service member who is  
13 on state active duty may be relieved from state active duty if the  
14 Adjutant General, acting in good faith and on behalf of the  
15 Governor, abolishes a position. The department shall make  
16 reasonable attempts to place the service member in an available  
17 position for which the service member is otherwise qualified.

18 (h) The Adjutant General, under the authority of the Governor  
19 as Commander in Chief, shall promulgate regulations in conformity  
20 with this section.